

Application No. 10/090195
Page 6

Amendment
Attorney Docket No. H01.2B-10407-US01

Remarks

This Amendment is in response to the Office Action dated March 15, 2004. The Office Action objected to the drawings and stated that the reject duct must be shown or the feature canceled from the claim. The Office Action also stated that the drawings were objected to for being incomplete. The Specification was objected to due to cited informalities. Claims 1-3 were rejected under 35 USC 112, first paragraph, as failing to comply with the written description. Claims 1-3 were rejected under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1-3 have been canceled. New claims 4-6 have been added. A proposed amended FIG. 1 has been added. The specification has been amended to describe the proposed figure and to include a prior art reference for purposes of illustrating the knowledge of one skilled in the art.. No new matter has been added. These rejections and objections will be addressed under headings consistent with the headings of the Office Action.

Drawings

The Office Action objected to the drawings and stated that the reject duct must be shown or the feature canceled from the claim. The Office Action also stated that the drawings were objected to for being incomplete. The Office Action asserts that the drawings do not show how the singling out apparatus of FIG. 1 fits in the overall structure of a rotary tablet-compressing press, and therefore the examiner does not have a complete understanding of the applicant's invention. Applicant submits herewith a proposed amended FIG. 1. The proposed drawing addresses the objection to the "reject duct" as well as the manner in which the inventive apparatus fits into the overall structure of a rotary tablet-compressing press. Proposed amended FIG. 1 includes the "go-duct" 35 and the "rejects duct" 40 which has support on lines 21-22 of page 2 under Background of the Invention. The Specification has also been amended to discuss the "go-duct" and the "rejects duct"

Applicant also incorporates by reference prior art reference WOPCT/C S86/0058 in order to illustrate the knowledge of one skilled in the art of this particular application. In this document, a tablet press control mechanism is shown. In order to illustrate how FIG. 1 fits in the overall structure of a rotary tablet compressing press (e.g. the mechanism of

Application No. 10/090195
Page 7

Amendment
Attorney Docket No. H01.2B-10407-US01

WOPCT/US86/0058), Applicant points the Examiner to lines 7-10 of page 4. One skilled in the art would recognize that the pressure sensor of the instant invention is disposed in the line leading to the nozzle/rejects duct and that the control logic of the instant invention is attached.

The paragraph beginning on line 28 of page 4 of the specification has been amended to describe the proposed amended FIG. 1. Applicant believes that the proposed amended drawing addresses and overcomes the objections to the drawings.

Specification

The disclosure is objected to due to cited informalities. Applicant has amended the paragraph starting on line 23 of page 5 of the Specification to address the objection. Applicant requests that the objection be withdrawn.

Claim Rejections - 35 USC § 112

Claims 1-3 were rejected under 35 USC 112, first paragraph, as failing to comply with the written description. Claims 1-3 were rejected under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant has amended the paragraph starting on line 18 of page 2 in order to incorporate an example of the prior art by reference into the application. Applicant believes the added reference gives additional background as to what is known in the art and that the rejection under 35 USC 112, first paragraph is overcome.

Claims 1-3 have been canceled. New claims 4-6 have been added and have corrected the antecedent basis issues catalogued on page 4 of the Office Action. New claims also addressed the "control signal" issue by limiting the use of the term and differentiating the control signals.

Application No. 10/090195
Page 8

Amendment
Attorney Docket No. H01.2B-10407-US01

Conclusion

In view of the foregoing it is believed that the present application, with pending claims 4-6, is in condition for allowance. Early action to that effect is earnestly solicited.

Respectfully submitted,

VIDAS, ARRETT & STEINKRAUS

Date: June 15, 2004

By: Brendan C. Babcock
Brendan C. Babcock
Registration No.: 50705

6109 Blue Circle Drive, Suite 2000
Minnetonka, MN 55343-9185
Telephone: (952) 563-3000
Facsimile: (952) 563-3001

f:\wpwork\lbb\10407us01_and_20040615.doc